

Message Text

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PAGE 01 FRANKF 02111 181435Z
ACTION SCA-01

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STADIS////////////////////////////////////

DEPT ALSO FOR EUR AND DIRGEN

SCA FOR HENNEMEYER

E.O. 11652: N/A
TAGS: CASC, AFSP, AMGT, APER, BEXP, GW
SUBJECT: IMPLICATIONS OF MONTHLY PRISON VISITS TO POST
OPERATIONS AND STAFFING

REFS: A. STATE 55035, B. BONN 3826, C. STATE 44228,
D. 76 MUNICH 2755

1. THIS MESSAGE CONTAINS CONGEN FRANKFURT'S
VIEWS ON SUBJECT DISCUSSED IN REFTELS AND OTHER
RELATED COMMUNICATIONS.

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2. WE ATTACH THE HIGHEST IMPORTANCE TO THE PROTECTION
OF U.S. CITIZENS INCARCERATED IN GERMAN JAILS AND
PRISONS, AND HAVE ALWAYS VISITED U.S. CITIZENS AS
SOON AS POSSIBLE UPON NOTIFICATION OF ARREST AND
SUBSEQUENTLY AT A FREQUENCY DETERMINED BY
INDIVIDUAL CIRCUMSTANCES WHICH, IN SOME INSTANCES
(PRISONERS' ANXIETY, COMPLEXITIES OF CASES, FAMILY

CIRCUMSTANCES, ETC.), INDICATED THAT MONTHLY, OR EVEN MORE FREQUENT, VISITS WERE DESIRABLE. WE SAW EACH PRISONER AT LEAST EVERY 2-3 MONTHS. OUR PROCEDURES SEEMED EMINENTLY SATISFACTORY TO THE PRISONERS AND WERE CONSISTENT WITH EFFECTIVE MANAGEMENT OF OUR RESOURCES. THIS ASSESSMENT WAS SUPPORTED IN A GAO SURVEY OF CONSULAR OPERATIONS IN GERMANY CONDUCTED EARLY LAST FALL. SINCE LAST SUMMER, WE HAVE MADE A STRENUOUS EFFORT TO VISIT EACH U.S. PRISONER ONCE A MONTH, PER THE SCS ARREST HANDBOOK, BUT HAVE BEEN UNABLE TO REACH THIS GOAL. MOREOVER, THE MORE FREQUENT VISITS HAVE GENERATED CONSIDERABLE ANCILLARY WORK OF SECRETARIAL SUPPORT, COMMUNICATIONS, AND DRIVER/VEHICLE REQUIREMENTS TO VISIT THE MORE REMOTE PRISONS.

3. THE CONSULATE GENERAL USES THE "CASE-OFFICER" APPROACH SO THAT THE VISITING CONSULAR OFFICER, THE PRISONERS, AND PRISON AUTHORITIES CAN DEVELOP A COOPERATIVE RELATIONSHIP BASED ON TRUST. POST STAFFING CONSTRAINTS, HOWEVER, DICTATE THAT RESPONSIBILITY FOR PRISON VISITS BE VESTED PRIMARILY IN A JUNIOR OFFICER ON SIX-MONTHS ROTATIONAL TRAINING AND PART-TIME IN A SECOND JOT OFFICER, TOTOTAL ONE MAN-YEAR. BY OM: PERSONNEL, DECEMBER 2, 1976, WE ASKED THE DEPARTMENT TO ASSIGN AN EXPERIENCED CONSULAR OFFICER ON A CONTINUING BASIS TO PRISON VISTS, BUT OUR REQUEST HAS NOT BEEN ANSWERED. (WE BELIEVE THE REPORT OF THE JUST CMPLETED NSPECTION WILL ALSO ADDRESS THIS POINT.) FUTHER EFFORTS TO LIMITED OFFICIAL USE

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MAKE MONTHLY VISITS WOULD REQUIRE GREATER USE OF JUNIOR OFFICERS AND DIMINISH THE EFFECTIVENESS OF OUR JOT ROTATIONAL PROGRAM.

4. REFTTEL C SUGGESTS THAT POSTS QUOTE REALIGN PRIORITIES WITHIN, AND IF NECESSARY OUTSIDE CONSULAR SECTIONS TO FIND SUFFICIENT OFFICER TIME UNQUOTE FOR PRISON VISITS. WE WOULD NOTE THAT A) WE HAVE LOST ONE ECONOMIC/COMMERCIAL POSITION IN FY 1976 DESPITE IMPORTANCE ATTACHED TO THIS ACTIVITY BY ECONOMIC/COMMERCIAL COMMUNITY IN WASHINGTON, B) WE ARE TOLD WE WILL LOSE ONE CONSULAR OFFICER POSITION THIS SUMMER DESPITE INCREASING WORKLOAD AND C) WE HAVE ONLY JUST NOW BEEN ABLE TO FULLY STAFF AMERICAN ADMINISTRATIVE POSITIONS SUPPORTING A POST WITH 248 AMERICAN EMPLOYEES OF 14 USG AGENCIES. IF DEPARTMENT NEVERTHELESS WISHES TO GIVE PRIORITY TO PRISON VISITS OVER OTHER PROGRAMS SUCH AS ECONOMIC/COMMERCIAL WORK THIS SHOULD BE A CONSIDERED

AND COORDINATED DECISION TAKEN WITH AWARENESS OF IMPLICATIONS
SUCH AS REVIVAL OF PRESSURES FOR A SEPARATE FOREIGN
SERVICE UNDER THE DEPARTMENT OF COMMERCE.

5. GERMAN FEDERAL AND LOCAL LAWS PROVIDE STRICT
CONTROL TO ASSURE FAIR AND HUMANITARIAN TREATMENT.
WE KNOW OF NO INSTANCES OF ILL TREATMENT OR HARSH
PUNISHMENT. PRISON QUARTERS ARE NOT CROWDED,
SUFFICIENT NUTRITIOUS FOOD AND A VARIED DIET ARE
PROVIDED, AND SUFFICIENT RECREATION TIME, SPORTS
EQUIPMENT, AND ENGLISH-LANGUAGE READING ARE AVAILABLE.
COMMUNICATIONS WITH THE CONSULATE GENERAL ARE READILY
PERMITTED. AN EXEMPTION FOR THE MONTHLY-VISIT
RULE IS WARRANTED AND A BI-MONTHLY VISIT PROGRAM
WOULD BE ENTIRELY ADEQUATE. IF THE DEPARTMENT IS
RELUCTANT TO ACT ON THE BASIS OF OUR JUDGMENT, WE
SUGGEST AN OFFICIAL OF THE U.S. BUREAU OF PRISONS
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INSPECT LOCAL GERMAN PRISONS. A CONFIRMING OPINION
BY THIS OFFICIAL ON LOCAL CONDITIONS OF INCARCERATION
WOULD PROVIDE A BASIS FOR AN EXEMPTION FROM THE
MONTHLY VISIT REQUIREMENT THAT COULD BE REASONABLY
PRESENTED TO INTERESTED MEMBERS OF CONGRESS AS WELL
AS THE GENERAL PUBLIC.

6. WHILE WE RECOGNIZE THE IMPORTANCE OF THE
DEPARTMENT'S COMMITMENT TO CONGRESS WE
ALSO BELIEVE THAT THE CONGRESS GENERALLY CONSISTS OF
REASONABLE PEOPLE. IT SHOULD THEREFORE BE POSSIBLE
TO CONVINCE THEM THAT THE TREATMENT AND CONDITIONS
OF INCARCERATION IN THE FRG ARE TOTALLY DIFFERENT
FROM THOSE PREVAILING IN SOME OTHER PARTS OF THE
WORLD AND PERHAPS SUPERIOR TO THOSE IN THE U.S.

7. REFTEL C NOTES THE DIFFICULTY CONFRONTING
MUNICH IN VISITING LOWER FRANCONIA WHICH, HOWEVER,
IS WITHIN EASY REACH OF FRANKFURT. IF A SOLUTION
TO DIFFICULTIES ALONG THE LINES ABOVE CAN BE FOUND
AND BAVARIAN AUTHORITIES AGREE, WE CAN ASSUME
RESPONSIBILITY FOR VISITS TO U.S. PRISONERS IN
LOWER FRANCONIA. LEHMANN

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